



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 99,089)

In re Application of:)
Mark O. Vogel)
Serial No.: 09/318,460) Examiner: To be Assigned
Filed: May 25, 1999) Art Unit: 2731
For: METHOD FOR DYNAMIC)
PERFORMANCE)
OPTIMIZATION IN A)
DATA-OVER-CABLE SYSTEM)

**SEVENTH SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT LETTER**

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Technology Center 2600

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97-1.98, and in accordance with the duty of candor set forth in 37 C.F.R. §1.56, applicant wishes to make the following references of record in the above-identified application. Copies of the references cited below are enclosed along with a copy of completed Form PTO-1449.

CITED REFERENCES

I. U. S. Patent Documents

Document	Date	Name
1. 5,819,028	10/6/1998	Manghirmalani et al.
2. 5,835,720	11/10/1998	Nelson et al.
3. 5,913,037	6/15/1999	Spofford et al.
4. 5,922,051	7/13/1999	Sidey
5. 5,954,797	9/21/1999	Sidey
6. 6,003,077	12/14/1999	Bawden et al.
7. 6,052,724	4/18/2000	Willie et al.

II. Discussion

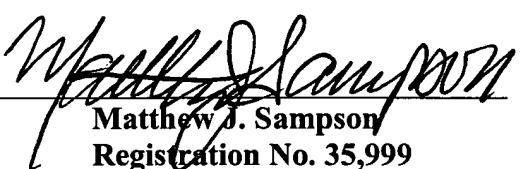
Applicant submits that these documents, whether taken alone or in combination, fail to show or suggest the claimed subject matter. Applicant requests that the Examiner consider the entirety of each document and make them of record in this application. Applicant's submission of these documents for consideration is not to be construed as an admission that the documents qualify as prior art to the claimed subject matter, a representation that a search has been made, nor as an admission that the information is considered to be material to patentability.

Respectfully submitted,

McDonnell, Boehnen, Hulbert & Berghoff

Date: **January 9, 2001**

by:


Matthew J. Sampson
Registration No. 35,999



GP 2-131
2664
PATENT

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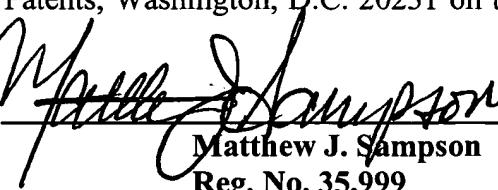
Technology Center 2600

TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above identified new patent application:
 - a) Seventh Supplemental Information Disclosure Statement Letter;
 - b) Seventh Supplemental Form PTO-1449;
 - c) Return Postcard; and
 - d) Copies of IDS citations for 09/318,460 (7 cited references).
2. With respect to fees:
 - a) No fee is required.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

2. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Asst. Commissioner for Patents, Washington, D.C. 20231 on this 9th day of January 2001.

By:


Matthew J. Sampson
Reg. No. 35,999